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Chairman: Mr. Majoor ..... (Netherlands)

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The meeting was called to order at 3.15 p.m.

Agenda item 64: Promotion and protection of human rights (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/63/L.33 and L.40)

Draft resolution A/C.3/63/L.33: Situation of human rights in Myanmar (continued)

1. **Mr. Delacroix** (France) clarified that Bosnia and Herzegovina and Turkey should be added to the list of sponsors of draft resolution A/C.3/63/L.33 on the situation of human rights in Burma.

2. **Mr.** Kyaw Tint **Swe** (Myanmar), speaking on a point of order, said that his country should be referred to by its official name. He asked the Chairman to make a ruling on the matter or to request an advisory opinion from the Legal Counsel.

3. **The Chairman** reminded delegations that the delegation of Myanmar wished to be referred to by its officially recognized name.

4. **Mr. Cabral** (Guinea-Bissau), speaking on a point of order, said he believed that all delegations, not just that of Myanmar, felt that Member States should, as a matter of courtesy, be referred to by their names as given in United Nations documents.

5. **The Chairman** said that a recorded vote had been requested on draft resolution A/C.3/63/L.33.

6. **Mr. Degia** (Barbados), making a general statement, said that the establishment of the Human Rights Council should have ushered in a new era of addressing human rights issues through dialogue and cooperation, in a non-selective and non-politicized manner. It was disappointing that Committee members continued to take a highly political, divisive and confrontational attitude. His country's consistent position was to support no-action motions and to abstain from voting on any country-specific draft resolutions, as they were neither helpful nor productive; the situations to which they referred should instead be addressed by the relevant mechanisms of the Human Rights Council. His country's action should not be misconstrued as a lack of concern for human rights. Barbados continued to be concerned about human rights abuses in many parts of the world and urged all States to engage in dialogue to address them.

7. **Mr. Pak** Tok Hun (Democratic People's Republic of Korea), speaking in explanation of vote before the voting, said that the European Union continued to interfere in Myanmar's internal affairs by submitting resolutions on the human rights situation in that country. Human rights could not be imposed from outside and could only be advanced through dialogue, cooperation and engagement. As a member of the Movement of Non-Aligned Countries, the Democratic People's Republic of Korea opposed country-specific resolutions and would vote against the draft resolution under consideration.

8. **Mr. Rastam** (Malaysia) said that his country would vote against the draft resolution, as human rights should not be exploited for political purposes and focusing on individual countries was contrary to the purposes and principles of the Charter of the United Nations. The universal periodic review process of the Human Rights Council should be used to address human rights issues in a fair and transparent manner. He encouraged Myanmar to continue its cooperation with the good offices mandate of the Secretary-General.

9. **Ms. Gendi** (Egypt) reiterated her country's firm stance against the consideration of country-specific draft resolutions in the Third Committee, irrespective of their merit because they politicized human rights issues and fostered selectivity and confrontation. Such resolutions left no room for objective, constructive multilateral discussions to strengthen countries' capacity to develop human rights on their own. Human rights issues ought to be addressed in the context of the universal periodic review. Her delegation would vote against the draft resolution.

10. **Mr. Punkrasin** (Thailand) said that Thailand wished for stability, peace and development in neighbouring Myanmar and continued to support the good offices mandate of the Secretary-General. His country also appreciated the important developments of the past year, including the visits to Myanmar by the Secretary-General, by his Special Adviser on Myanmar and by the Special Rapporteur on the situation of human rights in Myanmar. The positive results included the scheduling of general elections for 2010; every effort should be made to ensure that they were free, fair and meaningful to the people of Myanmar.

11. Thailand shared the concerns expressed about the human rights situation in Myanmar, but firmly believed

that constructive dialogue was the most effective way forward. The response to Cyclone Nargis, led by the Association of Southeast Asian Nations (ASEAN), and the partnership between Myanmar, ASEAN and the United Nations in the post-Nargis humanitarian operations had demonstrated that progress could be achieved through engagement and cooperation rather than isolation and confrontation. His country also supported the efforts to establish an ASEAN human rights body.

12. The future of Myanmar lay in the hands of its people. Thailand would continue to work closely with Myanmar, other ASEAN members, regional partners and the United Nations in support of the momentum for national reconciliation and democratization in Myanmar. Thailand would therefore abstain from voting on the draft resolution.

13. **Mr. Chiriboga** (Ecuador) said that the international community had the competence to consider human rights in all countries, but should do so through the Human Rights Council, particularly its universal periodic review mechanism, which made it possible to consider human rights in a comprehensive, objective, depoliticized and non-selective way. The Council also had specific mechanisms for addressing urgent situations involving human rights violations. His delegation would therefore abstain from voting on the draft resolution.

14. **Mr. Ja'afari** (Syrian Arab Republic) said that no State should interfere in the internal affairs of any other State on the pretext of defending human rights. The principle of the sovereign equality of all States was enshrined in the Charter of the United Nations. Human rights issues should be addressed through responsible, objective, transparent, respectful and non-selective dialogue, taking into consideration national, regional, cultural and religious particularities. The appropriate forum for such dialogue was the Human Rights Council. However, some Member States insisted on tabling country-specific draft resolutions for political reasons. In so doing, they threatened the credibility of international political and legal mandates and weakened consensus on human rights mechanisms. His delegation would vote against the draft resolution.

15. *A recorded vote was taken on draft resolution A/C.3/63/L.33.*

In favour:

Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Belgium, Belize, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burundi, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guyana, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Japan, Kazakhstan, Kiribati, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Nauru, Netherlands, New Zealand, Nigeria, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Samoa, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

Against:

Algeria, Azerbaijan, Bangladesh, Belarus, Brunei Darussalam, China, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Egypt, India, Iran (Islamic Republic of), Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Myanmar, Namibia, Nicaragua, Niger, Oman, Russian Federation, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Bahrain, Barbados, Benin, Bhutan, Bolivia, Burkina Faso, Cameroon, Cape Verde, Central African Republic, Chad, Colombia, Comoros, Congo, Dominica, Ecuador, Equatorial Guinea, Eritrea, Ethiopia, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Haiti, Indonesia, Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lesotho, Liberia, Malawi, Mali, Mauritania, Mozambique, Nepal, Pakistan, Papua New Guinea, Philippines, Qatar, Rwanda, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Senegal, Singapore, Solomon Islands,

South Africa, Suriname, Swaziland, Thailand, Trinidad and Tobago, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Yemen, Zambia.

16. *Draft resolution A/C.3/63/L.33 was adopted by 89 votes to 29, with 63 abstentions.**

17. **Mr. Strigelsky** (Belarus) said that his delegation had voted against the draft resolution for the reasons given at the previous meeting in relation to the vote on the draft resolution on the situation of human rights in the Democratic People's Republic of Korea.

18. **Mr. Perez** (Brazil) said that Brazil had voted in favour of the draft resolution. The Brazilian Government welcomed the progress made in the context of the seven-step road map for political transition, the recent visits of the Special Rapporteur and the Secretary-General and the release of some prisoners of conscience. However, many political activists were still arbitrarily detained, allegedly in very harsh conditions, and the Government appeared unable to curb the violent repression of peaceful demonstrations or to refrain from imposing extreme security measures. The need to protect minority rights and the plight of internally displaced persons were also causes of concern. Myanmar should continue its comprehensive dialogue with the Human Rights Council, which was the body primarily responsible for promoting and protecting human rights.

19. **Mr. Amorós Núñez** (Cuba) said that his delegation maintained its principled position against the exploitation of human rights for political purposes and rejected selectivity and double standards in that area. In addressing human rights issues, it was important to apply the principles of genuine cooperation, universality, non-selectivity and objectivity, in the context of international law. The Human Rights Council was the most appropriate body for that purpose.

20. **Mr. Malhotra** (India) said that his country had consistently emphasized the importance of promoting and protecting human rights through dialogue, consultation and cooperation. Initiatives concerning Myanmar should be undertaken in a forward-looking and non-condemnatory spirit in order to engage the Government of Myanmar in a non-intrusive, non-confrontational and constructive manner. The Government of Myanmar was well aware of India's views on the need for inclusive political reform and for progress in national reconciliation, as well as its support for the good offices mission of the Secretary-General. India had voted against the draft resolution because it was condemnatory and possibly counterproductive. It did not reflect the recent positive steps taken by Myanmar, including dialogue with the United Nations on political, humanitarian and human rights issues, and political reform measures in accordance with the seven-step road map for the transition to democracy. Myanmar had facilitated the visits of the Special Rapporteur and the Special Adviser earlier in 2008 and had recently released more than 9,000 prisoners.

21. **Mr. Anshor** (Indonesia) said that he regretted the failure to reach a consensus on the draft resolution, despite the call from the Secretary-General and the Special Rapporteur for a common approach from the international community. Indonesia had not voted in favour of the draft resolution because it was divisive. The current year had seen notable progress in the promotion of national dialogue and reconciliation, and a consensus text from the Committee would have sent a strong and united message of support to Myanmar. The sponsors should adopt a new approach to facilitating such a consensus. His delegation supported some aspects of the draft, but felt that it was important to acknowledge the positive actions taken recently by Myanmar. Indonesia continued to support a peaceful transition in Myanmar, while recognizing the enormity of that task.

22. **Ms. Hoang Thi Thanh Nga** (Viet Nam) said that her delegation had voted against the draft resolution. Viet Nam, as a neighbour, supported all efforts to achieve peace, stability and development in Myanmar, including the Secretary-General's efforts to help Myanmar find a solution through national reconciliation, social stability and economic development. The United Nations and the international community should build on the progress achieved thus far, which included the developments seen during the recent visit to Myanmar by the Secretary-General's Special Adviser. The draft resolution failed to reflect that approach.

23. **Mr. Okuda** (Japan) said that his delegation supported the overall message of the draft resolution and had voted in favour of it, but was concerned that

* The delegations of Namibia and Niger subsequently informed the Committee that they had intended to abstain.

the draft text had been submitted without substantial discussion of the proposals made by Japan and other Asian countries. Japan had proposed an amendment welcoming the steps taken in the past year, including the announcement of a time frame for democratization and the release of some political prisoners. His delegation regretted that those proposals had not been incorporated into the text.

24. The Government of Japan was also deeply concerned at the long-term imprisonment of a large number of political activists and would spare no effort to assist Myanmar in promoting the democratization process.

25. **Mr. González** (Costa Rica) said that his delegation had voted in favour of the draft resolution and maintained its principled position of voting against all no-action motions, as they prevented the Committee from considering specific actions taken by countries to improve their human rights situation. A number of situations involving serious human rights violations were referred to in draft resolutions before the Committee, and he called on the Member States concerned to heed the call of the international community.

26. The Human Rights Council had the main competence with regard to human rights. Implementation of the universal periodic review mechanism would strengthen the Council's credibility, as it would ensure equal treatment for all Member States.

27. Constructive dialogue and cooperation should guide the way forward. The Human Rights Council should be given the opportunity to carry out the function for which it had been created, and he respectfully called on all Member States to refrain from addressing the issue of country-specific resolutions in the same way as in previous sessions.

28. **Mr.** Kyaw Tint **Swe** (Myanmar) said that the voting results reflected the tyranny of a minority. The 46 sponsors, led by the European Union, had garnered only 89 votes for the draft resolution, despite the tremendous political pressures exerted. The draft resolution had no moral authority and was contrary to Article 2, paragraph 7, of the Charter, which clearly stipulated that nothing contained in the Charter authorized the United Nations to intervene in matters which were essentially within the domestic jurisdiction of any State. His delegation would have stood alone, if necessary, in opposing the draft resolution, and he expressed appreciation to those Member States which had shared Myanmar's principled position by either voting against the draft resolution or abstaining.

29. The politicization of human rights would not be tolerated. Those issues should be addressed within their global context through a constructive dialogue based on the principles of objectivity, respect for national sovereignty and territorial integrity and non-interference in the internal affairs of States. Myanmar would continue to oppose the exploitation of human rights for political purposes and blatant attempts to interfere in its internal affairs. His country opposed all measures that selectively targeted developing countries and would reject any attempt to subvert the will of its people as freely expressed in the nationwide referendum of May 2008. His delegation rejected and dissociated itself from the draft resolution and wished to place on record that Myanmar was not bound by its provisions. Myanmar would continue with the seven-step road map and the smooth transition to democracy, cooperating with the United Nations and the good offices role of the Secretary-General. Cooperation with the United Nations was a cornerstone of Myanmar's foreign policy.

Draft resolution A/C.3/63/L.40: Situation of human rights in the Islamic Republic of Iran

30. **The Chairman** said that the draft resolution had no programme budget implications.

31. **Mr. McNee** (Canada) said that the former Yugoslav Republic of Macedonia had joined the sponsors of the draft resolution, bringing the total to 44 sponsors. Since the Committee had last adopted a resolution on the subject, there had been a continued deterioration in the Iranian Government's performance in protecting the human rights and fundamental freedoms of its people. The sponsors had not taken lightly the decision to submit the draft resolution. They all looked forward to the day when the Iranian Government's willingness to abide by its human rights obligations would make such resolutions unnecessary. Until then, the Committee, with its universal membership, remained the key avenue for encouraging positive change.

32. **Mr. Khazaee** (Islamic Republic of Iran), speaking on a point of order, moved the adjournment of

the debate on draft resolution A/C.3/63/L.40 in accordance with rule 116 of the rules of procedure.

33. **The Chairman** invited two representatives to speak in favour of, and two against, the motion before it was put to a vote in accordance with rule 116.

34. **Ms. Nawaz** (Pakistan) said that she supported the motion to adjourn the debate. All human rights were universal, indivisible, interdependent and interrelated. The international human rights agenda should be addressed in a fair and balanced manner through dialogue and cooperation, rather than exclusion and confrontation. Country-specific resolutions did not promote human rights, but only politicized them. Such resolutions also often overlooked the efforts made by the countries concerned and created barriers to constructive dialogue between Member States and international human rights mechanisms. Her delegation therefore supported the no-action motion and urged all delegations to vote in favour of it.

35. **Mr. Escalona Ojeda** (Bolivarian Republic of Venezuela) said that the Bolivarian Republic of Venezuela supported the no-action motion because the draft resolution was politicized and selective and reflected double standards. He urged all delegations to support the motion and to prevent the exploitation of human rights as a tool for intervention, criminalization and political pressure.

36. **Mr. McNee** (Canada), speaking against the no-action motion, said that the draft resolution had been sponsored by 44 Member States, which believed that the Committee had the right and duty to consider it. The Committee had universal membership, and human rights issues were an explicit part of its jurisdiction. By refusing to consider such an issue, the Committee would undermine the credibility of the General Assembly, silence its Members, reward the misuse of the rules of procedure and discourage human rights defenders around the world. Moreover, the report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran had been issued at the Committee's own request. It would be absurd not to take action on the findings of that report.

37. **Mr. Hill** (Australia), speaking against the no-action motion on behalf also of Andorra, Iceland, Liechtenstein, Norway, Palau, the Republic of Korea, San Marino and the former Yugoslav Republic of Macedonia, said that the Committee had the jurisdiction and responsibility to debate human rights issues. The no-action motion misused the rules of procedure and would undermine the credibility of the Committee and the General Assembly.

38. *A recorded vote was taken on the motion for the adjournment of the debate on draft resolution A/C.3/63/L.40.*

In favour:

Afghanistan, Algeria, Angola, Argentina, Armenia, Azerbaijan, Bangladesh, Barbados, Belarus, Bolivia, Brunei Darussalam, Cambodia, Central African Republic, Chad, China, Comoros, Congo, Cuba, Democratic People's Republic of Korea, Egypt, Eritrea, Gambia, Guinea, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Iraq, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Malawi, Malaysia, Mali, Mauritania, Myanmar, Namibia, Nicaragua, Oman, Pakistan, Philippines, Qatar, Russian Federation, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tunisia, Turkmenistan, Uganda, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Bahamas, Belgium, Bosnia and Herzegovina, Botswana, Bulgaria, Burundi, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Nauru, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Samoa, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

Abstaining:

Antigua and Barbuda, Belize, Benin, Bhutan, Brazil, Burkina Faso, Cameroon, Côte d'Ivoire, Dominica, Dominican Republic, Equatorial Guinea, Ethiopia, Ghana, Grenada, Guyana, Jamaica, Jordan, Lesotho, Mauritius, Mozambique, Nepal, Niger, Nigeria, Rwanda, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Trinidad and Tobago, United Republic of Tanzania.

39. *The motion for the adjournment of the debate on draft resolution A/C.3/63/L.40 was rejected by 81 votes to 71, with 28 abstentions.**

40. **Mr. McNee** (Canada), speaking on behalf of the sponsors, said that, by adopting the draft resolution, the Committee would assure human rights defenders in the Islamic Republic of Iran that they had the support of the international community. The report of the Secretary-General had confirmed the serious concerns of the General Assembly regarding human rights in that country. Efforts had been made to ensure that the text of the draft resolution was balanced and based on the findings of that report. Paragraph 38 of the report noted a moratorium on juvenile executions, yet another such execution had been carried out only recently, the seventh in 2008. The report had also pointed to a poor record in reporting to international human rights mechanisms. The Committee had an obligation to hold the Government of the Islamic Republic of Iran accountable.

41. *A recorded vote was requested on draft resolution A/C.3/63/L.40.*

42. **Mr. Strigelsky** (Belarus), speaking in explanation of vote before the voting, said that the introduction of the draft resolution was unjustified and politicized, and only contributed to creating a counterproductive atmosphere in the Committee. Country-specific draft resolutions should be considered in the Human Rights Council, which had mechanisms in place to examine human rights issues in a comprehensive and expert manner. His delegation would vote against the draft resolution.

43. **Mr. Ja'afari** (Syrian Arab Republic) said it was unfortunate that certain Member States insisted on submitting politically motivated country-specific resolutions. Human rights issues should not be used selectively to interfere in the internal affairs of certain States. Responsible, objective dialogue was needed in order to protect the basic rights and freedoms enshrined in the Universal Declaration of Human Rights and other international instruments. Country-specific draft resolutions were contrary to those principles. Moreover, they duplicated the work of the Human Rights Council, which had been established to promote transparent cooperation and constituted the appropriate forum for such discussions.

44. The fact that Israel was listed as a sponsor further weakened the draft resolution's credibility. Israel's crimes against humanity in the occupied Arab territories were widely known; indeed, many of the sponsors were aware of them. Israel continued to build settlements and to maintain its stranglehold on the Palestinian people. The draft resolution clearly targeted the Islamic Republic of Iran for political purposes, and he urged all delegations to vote against it.

45. **Ms. Awino-Kafeero** (Uganda), speaking on behalf of the Organization of the Islamic Conference (OIC), said that OIC continued to oppose the submission of country-specific draft resolutions on human rights situations, as that practice politicized the work of human rights bodies instead of advancing the promotion of human rights. OIC thus urged Member States to oppose the draft resolution.

46. **Ms. Gendi** (Egypt) said that her delegation opposed the submission of country-specific draft resolutions regardless of their content, as that practice reflected a double standard and impeded the objective examination of human rights situations in a framework of cooperation and dialogue. Country-specific issues should be examined through the Human Rights Council's universal periodic review mechanism. Her delegation would vote against the draft resolution.

47. **Mr. Chiriboga** (Ecuador) said that although his delegation had concerns about human rights violations in certain countries, such concerns would best be addressed by the Human Rights Council through its universal periodic review mechanism, which was transparent, objective and non-selective. It was thus urgent to bring such matters before the Human Rights Council, and his delegation stood ready to consider cases of serious or massive human rights violations in extraordinary sessions of the Council, if necessary. It was regrettable that some countries did not provide the

* The delegation of Argentina subsequently informed the Committee that it had intended to vote against the no-action motion.

same level of support to the Council and continued to undermine its work through politicized actions. For those reasons, Ecuador would abstain from voting.

48. **Ms. Abubakar** (Libyan Arab Jamahiriya) said that the draft resolution reflected a selective and politicized process and that the Human Rights Council was the ideal forum for dealing with such human rights issues. Accordingly, her delegation would vote against the draft resolution.

49. **Mr. Escalona Ojeda** (Bolivarian Republic of Venezuela) said that his delegation would vote against the draft resolution, since its adoption could open the floodgates for the submission of similar draft resolutions on human rights situations across the world at the following session. That would give rise to more conflict in the Committee's discussions and significantly complicate its work.

50. **Ms. Medal** (Nicaragua) said that her delegation rejected selective, politicized approaches to human rights. The Human Rights Council was the best forum for examining human rights issues, including country-specific situations, through its universal periodic review mechanism, in which all countries were examined on an equal footing. Her delegation would thus continue to vote against draft resolutions that singled out specific countries.

51. **Mr. Amorós Núñez** (Cuba) said that his delegation opposed the use of human rights and the singling out of particular countries for reasons that were not relevant to the issue at hand, including the promotion of certain countries' geopolitical and hegemonic interests. It was important to reject and condemn selectivity and double standards in the promotion and protection of human rights. The Human Rights Council and its universal periodic review process provided the ideal framework for promoting genuine international cooperation on human rights situations of concern. His delegation would thus vote against the draft resolution.

52. **Mr. Rezvani** (Islamic Republic of Iran) said his delegation had requested a vote on the draft resolution because the text was politically motivated and lacked objectivity. It made use of procedural loopholes and contained a number of mendacious and unsubstantiated claims. As a result of a bilateral legal dispute, Canada had launched a disinformation campaign against his country. A majority of Member States realized that Canada's conduct was neither fair nor honest: most had opposed or abstained on such draft resolutions, or had refrained from voting.

53. The Government of Canada claimed a leading role in human rights advocacy. Yet numerous credible sources, including United Nations agencies, had found that Canada failed to comply with its international obligations, systematically violating the rights of its own citizens and of migrants and resident aliens. Illicit chemical agents had been used for crowd control. Indigenous groups were subjected to social exclusion, discrimination, unlawful detention and police brutality, while being denied adequate housing, food and water. The so-called war on terror was being used to harass the Muslim community.

54. The international community should address human rights issues all over the world, without exceptions or ulterior motives. The Human Rights Council was the sole body responsible for doing so. His country had helped establish the universal periodic review mechanism and would be considered under that mechanism in 2010. Country-specific resolutions merely duplicated that process and undermined the Council.

55. The Islamic Republic of Iran was a party to the major international human rights instruments. Drawing on its national, regional, historical and religious background and on deeply rooted values, it had continually called for an interactive and cooperative approach to human rights issues. Its target-oriented policy included measures to remove obstacles to that process. He invited all Member States to vote against the draft resolution.

56. *A recorded vote was taken on draft resolution A/C.3/63/L.40.*

In favour:

Albania, Andorra, Argentina, Australia, Austria, Bahamas, Belgium, Belize, Bosnia and Herzegovina, Botswana, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, El Salvador, Estonia, Fiji, Finland, France, Germany, Greece, Honduras, Hungary, Iceland, Israel, Italy, Japan, Kiribati, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Nauru, Netherlands, New Zealand, Norway, Palau, Panama, Peru, Poland, Portugal, Republic of Moldova, Romania, Saint Lucia, Samoa, San

Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Vanuatu.

Against:

Afghanistan, Algeria, Armenia, Azerbaijan, Bahrain, Bangladesh, Belarus, China, Comoros, Cuba, Democratic People's Republic of Korea, Egypt, Eritrea, Gambia, Guinea, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Libyan Arab Jamahiriya, Malawi, Malaysia, Mauritania, Myanmar, Nicaragua, Niger, Oman, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Serbia, Somalia, South Africa, Sri Lanka, Sudan, Syrian Arab Republic, Tajikistan, Togo, Tunisia, Turkmenistan, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Barbados, Benin, Bhutan, Bolivia, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Colombia, Congo, Côte d'Ivoire, Dominica, Dominican Republic, Ecuador, Equatorial Guinea, Ethiopia, Georgia, Ghana, Grenada, Guatemala, Guyana, Haiti, Ireland, Jamaica, Jordan, Kenya, Lao People's Democratic Republic, Lesotho, Mali, Mauritius, Mongolia, Mozambique, Namibia, Nepal, Nigeria, Papua New Guinea, Paraguay, Philippines, Republic of Korea, Rwanda, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Sao Tome and Principe, Singapore, Solomon Islands, Suriname, Swaziland, Thailand, Trinidad and Tobago, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Zambia.

57. *Draft resolution A/C.3/63/L.40 was adopted by 70 votes to 51, with 60 abstentions.**

58. **Mr. Okuda** (Japan) said that his delegation had voted in favour of the text because the human rights situation in the Islamic Republic of Iran required further improvement. Nevertheless, his delegation appreciated the Iranian Government's cooperative approach during a recent meeting with the Government of Japan to discuss human rights, particularly the initiative to improve the country's judicial system. His delegation also welcomed the Iranian Government's decision to make the death penalty inapplicable to juveniles under the age of 18, and would continue to engage in constructive dialogue with that Government with a view to improving the country's human rights situation.

59. **Mr. Perez** (Brazil) said that his delegation had abstained from voting because his Government strongly supported the consolidation of the Human Rights Council as the main body responsible for the promotion and protection of human rights. However, his delegation continued to note with concern the human rights situation in the Islamic Republic of Iran, especially with regard to women's rights, freedom of speech and association, the perceived lack of due process, juvenile executions, public executions and inhumane or degrading treatment, and minority rights, particularly those of the Baha'i community. Nevertheless, he also noted that progress had been made regarding social, economic and cultural rights, particularly the right to health care, and positive steps had been taken towards legal reform, especially for the correction of discriminatory laws. He noted the Iranian Government's enhanced cooperation with the United Nations and its standing invitation to Human Rights Council special procedures mandate holders, and hoped that the Iranian Government would strengthen dialogue with the Human Rights Council and other human rights mechanisms.

Agenda item 56: Advancement of women (*continued*)

(a) Advancement of women (*continued*) (A/C.3/63/L.13/Rev.1)

Draft resolution A/C.3/63/L.13/Rev.1: Trafficking in women and girls

60. **The Chairman** said that the draft resolution had no programme budget implications.

61. **Ms. Banzon-Abalos** (Philippines) informed the Committee that Albania, Andorra, Austria, Bulgaria, Colombia, Costa Rica, Croatia, the Czech Republic, the Dominican Republic, Finland, Germany, Guatemala, Israel, Italy, Luxembourg, Malta, Poland, Slovakia, Slovenia, Spain, Thailand, the United Republic of Tanzania, the United Kingdom of Great

* The delegation of Ireland subsequently informed the Committee that it had intended to vote in favour of the draft resolution.

Britain and Northern Ireland, the United States of America and Uruguay had joined in sponsoring the draft resolution.

62. **Mr. Khane** (Secretary of the Committee) announced that Angola, Australia, the Bahamas, Bangladesh, Belgium, Benin, Bosnia and Herzegovina, Burundi, Cape Verde, Chad, the Congo, Cyprus, Denmark, Estonia, France, the Gambia, Greece, Grenada, Hungary, Iceland, Iraq, Ireland, Jamaica, Latvia, Lebanon, Lesotho, Lithuania, Mali, Monaco, Montenegro, Morocco, the Netherlands, Nicaragua, Norway, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Rwanda, Saint Lucia, San Marino, Sierra Leone, Sri Lanka, Sweden, the former Yugoslav Republic of Macedonia, Togo, Turkey, Ukraine, Venezuela (Bolivarian Republic of) and Zambia had also joined in sponsoring the draft resolution.

63. **Mr. Ochoa** (Mexico) said that his delegation agreed that Governments should prevent victims of trafficking from being prosecuted, as provided in paragraph 12 of the draft. However, the use of the word "illegal" was unfortunate, as it might imply that victims could be subject to criminal penalties. Moreover, the qualification "within their legal framework and in accordance with national policies" weakened the force of the appeal to Governments. It was regrettable that the Committee had not been able to agree on clear language that would add value for victims of trafficking; as it stood, the text was open to misinterpretation. Nevertheless, as his delegation attached great importance to the protection of victims of trafficking, and believed that the draft did contain some good provisions, it would join the consensus on the draft.

64. **Mr. Chiriboga** (Ecuador) said that his delegation defended the basic right of universal citizenship, as reflected in Ecuador's Constitution. Accordingly, it did not view any citizen as "illegal", and thus could not support language that ran counter to that basic principle. Nevertheless, his delegation would join the consensus on the draft, as it was deeply concerned about human trafficking, particularly of women and girls. That concern was reflected in its own national efforts and its commitment to all international initiatives to combat such trafficking.

65. *Draft resolution A/C.3/63/L.13/Rev.1 was adopted.*

Agenda item 62: Elimination of racism and racial discrimination (*continued*)

(a) Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*) (A/C.3/63/L.53/Rev.1 and L.72)

Draft resolution A/C.3/63/L.53/Rev.1: International Convention on the Elimination of All Forms of Racial Discrimination

66. **Mr. Khane** (Secretary of the Committee) said that, at the time the draft resolution had been introduced, Andorra, Azerbaijan, Bangladesh, Bulgaria, Cape Verde, Chile, China, the Congo, the Dominican Republic, Ecuador, Guatemala, Ireland, Kazakhstan, the Netherlands, the Niger, Nigeria, Norway, Panama, the Republic of Korea, Serbia, Spain, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste and the United Republic of Tanzania had joined the sponsors.

67. **The Chairman** drew the Committee's attention to the statement on the programme budget implications of the draft resolution (A/C.3/63/L.72).

68. **Ms. Klopčič** (Slovenia) said that, since the introduction of the draft resolution, the Czech Republic, Germany and Malta had joined the sponsors. The draft resolution was an attempt to respond to the request to extend the meeting time of the Committee on the Elimination of Racial Discrimination. The International Convention on the Elimination of All Forms of Racial Discrimination was one of the most widely ratified international human rights instruments. Since 28 country reports were currently awaiting consideration, it had been deemed advisable to increase that Committee's total meeting time to eight weeks a year. She hoped that the draft resolution could be adopted by consensus. Failing that, all delegations should at least support the draft resolution's main objective of providing for additional meeting time, as specified in paragraph 13 of the draft.

69. **Mr. Khane** (Secretary of the Committee) said that Angola, Armenia, Benin, Burundi, Canada, Finland, France, Greece, Guinea, Liberia, Uganda and Ukraine had also joined in sponsoring the draft resolution.

70. **Mr. Hagen** (United States of America) requested a separate vote on paragraph 13 of the draft resolution.

71. **Ms. Rondeux** (Belgium) said that, as one of the sponsors of the draft resolution, her delegation regretted the request for a separate vote. The paragraph in question was an essential new element, since it provided for an additional two weeks of annual meeting time. Without such an extension, the Committee on the Elimination of Racial Discrimination would never be able to cope with its workload.

72. *At the request of the representative of the United States of America, a recorded vote was taken on paragraph 13 of draft resolution A/C.3/63/L.53/Rev.1.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Sierra Leone, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

Fiji, Japan, Malaysia, Mozambique, Poland, Singapore, Sri Lanka, United Kingdom of Great Britain and Northern Ireland.

73. *Paragraph 13 of draft resolution A/C.3/63/L.53/Rev.1 was retained by 165 votes to 1, with 8 abstentions.*

74. **Mr. Attiya** (Egypt), speaking on a point of order, said that it had been the past practice of the Committee, in cases of a separate vote under rule 129 of the rules of procedure, to put the entire draft resolution to a vote.

75. **Mr. Khane** (Secretary of the Committee) said that the Committee had discussed the issue five years previously. According to rule 129, a motion for division would be voted upon only if an objection was made to the request for a separate vote. If the motion was carried, a vote would then be taken on the whole. Since, however, no objection had been expressed to the motion, rule 129 did not apply.

76. **The Chairman** said that he agreed with the Secretary's interpretation. If, however, the representative of Egypt wished to request a recorded vote on the draft resolution as a whole, he was free to do so.

77. **Mr. Attiya** (Egypt) asked for clarification regarding the Committee's practice, since on previous occasions a different interpretation had prevailed.

78. **The Chairman** said that the Office of Legal Affairs had expressed the view in the past that, in the absence of an objection to a separate vote, the proposal could be adopted as a whole without a vote, unless rule 130 applied.

79. **Mr. Khane** (Secretary of the Committee) said that it was the well-established practice of all the Main Committees of the General Assembly, and of the Assembly itself at its plenary meetings, not to vote automatically on a draft resolution in the absence of a

formal request to that effect, including in cases of a divided proposal.

80. **Mr. Attiya** (Egypt) asked the Secretary to specify the number of times during the Committee's recent sessions that a vote had been taken on divided draft resolutions.

81. **Mr. Khane** (Secretary of the Committee) said that he would investigate the matter and provide the requested information in due course.

82. **Ms. Hill** (New Zealand) said that, although it might have been past practice to vote on divided draft resolutions, that practice had rightly been considered regrettable and had therefore been abandoned.

83. **Mr. Attiya** (Egypt) expressed regret that a separate vote had been requested on a draft resolution that had traditionally been adopted by consensus. In view of the separate vote, however, and the lack of evidence of any break in the Committee's past practice under rule 129, he requested a recorded vote on the draft resolution as a whole. He urged all delegations to vote in favour of it.

84. **Mr. Malhotra** (India), supported by **Ms. Taracena Secaira** (Guatemala) and **Ms. Kafanabo** (United Republic of Tanzania), said that the draft resolution was too important to be held up by procedural considerations and requested the representative of Egypt to withdraw his request for a vote.

85. **Ms. Zhang** Dan (China) suggested that a decision on the draft resolution should be postponed until the Secretary had clarified the Committee's past practice.

86. **The Chairman** said that there was no need for that, since he had given a ruling based on his considered opinion and United Nations practice. Was the representative of Egypt contesting his ruling?

87. **Mr. Attiya** (Egypt) said that he respected the Chairman's ruling but still wished for a vote to be taken on the draft resolution.

88. **Mr. Delacroix** (France) said that a vote could not be taken on the basis of rule 129.

89. **Ms. Kreibich** (Germany), speaking on a point of order, said that a vote should be taken on the Chairman's ruling, in accordance with rule 113 of the rules of procedure.

90. **The Chairman** pointed out that the representative of Egypt was not contesting his ruling.

91. **Mr. Ja'afari** (Syrian Arab Republic) said that he agreed with the Egyptian delegation's interpretation of rule 129, which did indeed require that the draft resolution should be voted upon as a whole.

92. **Ms. Rondeux** (Belgium) said she regretted that the draft resolution was being used as a procedural battleground; it should be adopted by consensus. She also proposed a vote on the Chairman's ruling.

93. **The Chairman** repeated that his ruling stood, since it had not been contested. The request for a vote made by the representative of Egypt was not linked either to his ruling or to rule 129.

94. **Mr. Rastam** (Malaysia), speaking in explanation of vote before the voting, said that, although Malaysia was not a party to the International Convention on the Elimination of All Forms of Racial Discrimination, his delegation recognized its importance and would vote in favour of the draft resolution.

95. *At the request of the representative of Egypt, a recorded vote was taken on draft resolution A/C.3/63/L.53/Rev.1.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia,

Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia.

Against:

None.

Abstaining:

None.

96. *Draft resolution A/C.3/63/L.53/Rev.1 was adopted by 178 votes to none.*

The meeting rose at 6.25 p.m.